

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY BONN PRIORITY

USMISSION USUN NEU YORK PRIORITY

C O N F I D E N T I A L STATE 216243

EXDIS, USUN FOR LOSDEL - AMBASSADOR LEARSON

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS-MESSAGE TO THE SECRETARY FROM FRG FOREIGN
MINISTER GENSCHER

1. FOLLOWING FOR YOUR INFORMATION IS AN INFORMAL GERMAN
EMBASSY TRANSLATION OF THE TEXT OF MESSAGE TO THE SECRETARY
FROM FRG FOREIGN MINISTER GENSCHER IN RESPONSE TO THE
SECRETARY'S AUGUST 3 MESSAGE ON THE LOS CONFERENCE.
GENSCHER'S MESSAGE WAS DELIVERED TO THE SECRETARY'S OFFICE
BY THE FRG EMBASSY ON AUGUST 24.

2. BEGIN TEXT. QTE. DEAR HENRY: AS IT IS NOT YET CERTAIN
THAT WE SHALL MEET DURING THE FIFTH SESSION OF THE THIRD
UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA IN NEW
YORK I ATTACH IMPORTANCE TO INFORMING YOU THAT YESTERDAY
I HAD AN OPPORTUNITY TO SEE THE PRESIDENT OF THE CONFERENCE
AMBASSADOR AMERASINGHE, FOR ONE HOUR AT COLOGNE AIR-
PORT. HE SHARES THE VIEW THAT NEGOTIATIONS IN THE WORKING
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GROUPS OF COMMITTEE I (SEABED REGIME), COMMITTEE II

(GENERAL SUBJECTS OF INTERNATIONAL MARITIME LAW) AND COMMITTEE III (RESEARCH AND TRANSFER OF TECHNOLOGY) HAVE SO FAR NOT PRODUCED SATISFACTORY RESULTS. UPON HIS RETURN TO NEW YORK HE THEREFORE INTENDS TO TAKE FIRM CONTROL OF THE CONFERENCE WORK WITH A VIEW TO CREATING THE CONDITIONS, BY THE END OF THE FIFTH SESSION, FOR THE ELABORATION OF A

CONSOLIDATED NEGOTIATING TEXT WHICH COULD THEN BE AMENDED OR SUPPLEMENTED ONLY BY WAY OF A FORMAL CONSENSUS. THE FEDERAL GOVERNMENT WOULD WELCOME IT IF THIS APPROACH WOULD HELP PRODUCE THE BASIC ELEMENTS OF AN ACCEPTABLE COMPROMISE ALREADY BY THE END OF THE PRESENT SESSION. HOWEVER, IN THE FEDERAL GOVERNMENT'S OPINION THE CONVENTION TO BE ELABORATED IS OF SUCH IMPORTANCE THAT ITS CONTENTS SHOULD BE ALLOWED FULLY TO MATURE AND THAT IT SHOULD NOT BE RUSHED INTO EXISTENCE.

3. AS REGARDS THE SEABED REGIME, MR. AMERASINGHE SHOWED GREAT UNDERSTANDING FOR THE DEMAND, PUT FORWARD BY US AS A CONDITIO SINE QUA NON, THAT WITHIN THE FRAMEWORK OF A SATISFACTORY PARALLEL SYSTEM STATES AND ENTERPRISE SHOULD HAVE UNIMPEDED, REGULATED AND NON-DISCRIMINATORY ACCESS TO SEABED RESOURCES. IN HIS VIEW, HOWEVER, THE CONCEPT OF THE QTE. COMMON HERITAGE OF MANKIND END QTE. AND THE RESPONSIBILITY OF THE SEABED AUTHORITY SHOULD NOT BE UNDERMINED.

4. I TAKE THIS OPPORTUNITY OF WRITING YOU TO POINT OUT OUR CONCERN THAT THE POWER OF COASTAL STATES TO ISSUE REGULATIONS AND EXERCISE CONTROL IN CONNECTION WITH THE PROBLEM OF MARITIME POLLUTION MUST PRODUCE CONSIDERABLE UNCERTAINTY UNLESS IT IS ACCOMPANIED BY AN OBLIGATION TO APPLY INTERNATIONALLY RECOGNIZED NORMS AND STANDARDS. INTERNATIONAL SHIPPING MEANS CLEAR-CUT RULES. IT PLAYS SUCH AN IMPORTANT ROLE IN THE CONTEXT OF INTERNATIONAL TRADE THAT ONE HAS TO SEE VERY CLEARLY THE EFFECT SUCH POWERS, IN THE HANDS OF A GREAT NUMBER OF COUNTRIES, MIGHT HAVE ON COSTS AND EXPENSES AND ON LEGAL SECURITY IN SHIPPING. THIS WOULD HAVE NEGATIVE REPERCUSSIONS ON THE ECONOMIES OF ALL COUNTRIES. BEST REGARDS, SGD.
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HANS-DIETRICH GENSCHER BONN, AUGUST 24, 1976. END TEXT
ROBINSON

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